



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) ISCR Case No. 21-00430
)
Applicant for Security Clearance)

Appearances

For Government: Gatha Manns, Esq., Department Counsel
For Applicant: *Pro se*

01/04/2022

Decision

MASON, Paul J., Administrative Judge:

Applicant has not mitigated the financial considerations guideline because he has offered no evidence showing repayment of his debt. The foreign influence guideline is unmitigated. Eligibility for security clearance access is denied.

Statement of the Case

On November 20, 2019, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) (Item 4) to obtain a security clearance required for a position with a defense contractor. He provided a personal subject interview (PSI) to an investigator from the Office of Personnel Management (OPM). After reviewing the results of a background security investigation, the Department of Defense Counterintelligence and Security Agency (DCSA) could not make the affirmative findings required to issue a security clearance. On June 21, 2021, DSCA issued a Statement of Reasons (SOR) to Applicant detailing security reasons under financial considerations (Guideline F) and foreign influence (Guideline B). The action was taken under Executive Order (E.O.) 10865, *Safeguarding Classified Information within*

Industry (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Security Executive Agent Directive 4, establishing *National Security Adjudicative Guidelines for Determining Eligibility for access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs). The guidelines were made applicable on June 8, 2017, to all individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position.

Applicant provided his notarized answer to the SOR on June 23, 2021. He elected to have his case decided on a written record instead of a hearing. On September 3, 2021, the Government sent Applicant a copy of the File of Relevant Material (FORM) containing evidence in support of the allegations in the SOR. Applicant received the FORM on September 17, 2021. The Defense Office of Hearings and Appeals (DOHA) received no response to the FORM. DOHA assigned the case file to me on November 2, 2021.

Rulings on Procedure

On the second page of Department Counsel's FORM, in bold capital letters, appears the following statement, "**Important Notice to Applicant,**" Department Counsel advised Applicant that the PSI (Item 10) would be excluded from evidence if he objected to the item. Alternatively, Department Counsel advised him that he could correct, update, or modify the PSI to improve its clarity or accuracy. Applicant did not object, and the exhibit was admitted into evidence. See, E3.1.20., DOD Directive 5220.6, page 52.

Item 9 of the FORM contains three documents from the U.S. Department of State. Department Counsel requested that I take administrative notice of facts in those documents relating to Lebanon. The facts administratively noticed are limited to matters of general knowledge and not subject to reasonable dispute.

Findings of Fact

Paragraph 1 of the SOR alleges eight delinquent debts (SOR 1.a-1.h) and one allegation regarding Applicant's continuing gambling hobby. He admitted the allegations without explanation. Paragraph 2 of the SOR alleges that Applicant's 10 foreign contacts to Lebanon render him vulnerable to foreign influence. He admitted all allegations under paragraph 2.

Applicant is 47 years old. He was born in Lebanon in August 1974. In September 1994, he received his high school diploma and immigrated to the United States in the same month, when he was 20 years old. He attended a language study program at an American university. In June 2003, he became a U.S. citizen. He has owned his own home since July 2016. His wife was born in Lebanon in September 1981. She is a citizen of the country and permanent resident of the United States. In

August 2007, she married Applicant at a ceremony in Lebanon. This is Applicant's first application for a security clearance. (Item 3 at 7-11, 27-28, 59; Item 5 at 3)

In January 2020, Applicant was applying for a U.S. linguist position with a defense contractor. Between December 2019 and January 2020, Applicant was a U.S. cab driver. From September to December 2019, he was a car salesman. He was unemployed in the United States between April and September 2019. From October 2018 to April 2019, he invested \$70,000 (discussed below) in a U.S. oil and lube business that failed before opening. From January to October 2018, Applicant was unemployed. From July 2014 to January 2018, Applicant was the owner of two U.S. restaurants that he sold in January 2018 for \$300,000. See discussion below. Applicant's previous employment included an operations management position from July 2013 to April 2014, an ownership position of an unknown business from January 2010 to July 2013, and an operations management position from August 2008 to January 2010. The last three jobs were located in three middle eastern countries. (Item 5 at 1-3)

Financial Considerations

In his December 2019 PSI, Applicant explained that he initially considered his gambling as a hobby. (Item 10 at 8-9) However, his gambling increased and became a problem. In his October 2019 e-QIP, Applicant indicated that between April and August of that year, he lost about \$45,000 gambling. (SOR 1.g; Item 3 at 60) The loss caused him to default on his credit card accounts that are listed in the SOR. He identified the listed delinquent credit card accounts and explained that he was waiting on a decent job to settle the debt. He did some gambling research and took an online gambling class recommended by a financial advisor.

Applicant explained that business losses and underemployment were the reasons he had financial trouble over the years. In January 2013, he sold his first business (two restaurants) for \$300,000 to pay off his \$230,000 debt. Instead of paying off the entire debt, he paid off only \$130,000 of the debt and kept \$170,000 for savings and investment. From October 2018 to April 2019, he invested \$70,000 in an oil and lube business which failed before opening. His motivation for gambling was to recoup his losses to pay off his delinquent debt. (Item 5 at 12-13)

SOR 1.a – This credit card account was opened in February 2019 and became delinquent in January 2020 with a balance of \$27,884. (Item 7 at 1; Item 8 at 2)

SOR 1.b – This business account was opened in July 2014 and became delinquent in December 2019 with a balance of \$27,510. (Item 7 at 2)

SOR 1.c – This installment account was opened in April 2017 and became delinquent in October 2020 with a balance of \$23,315. (Item 8 at 3)

SOR 1.d – This account was opened in July 2014 and became delinquent in July 2014 with a balance of \$16,968 in December 2020. (Item 8 at 3)

SOR 1.e – This credit card account was opened in October 2018 and became delinquent in April 2020 with a balance of \$12,057. (Item 8 at 4)

SOR 1.f – The opening date for this account is incorrect. It became delinquent in December 2020 with a balance of \$7,934. (Item 8 at 4)

SOR 1.g – This credit card account was opened in August 2014 and became delinquent in December 2020 with a balance of \$2,538. Applicant's total amount of delinquent commercial debt is \$118,206. The credit reports show that Applicant has regularly paid some of his debts but not the debts listed in the SOR. Applicant has never received financial counseling. His personal financial statement (PFS), dated January 29, 2020, indicates that he is paying \$2,488 a month on his mortgage, and \$700 a month for his car. His PFS lists most of the debts appearing in the SOR, but shows no payments being made. According to the statement, he has a car in Lebanon valued at \$10,000. (Item 3 at 60, 62; Items 6-8; Item 5 at 18)

Foreign Influence

SOR 2.a – Applicant's wife is a citizen of Lebanon and a permanent resident of the United States. In January 2010, his wife opened an account in a middle eastern country. She uses the active account to pay expenses during her visits to Lebanon. Applicant receives no benefit from the account. (Item 5 at 11; Item 10 at 4)

SOR 2.b – Applicant's mother is 73 years old and resides in Lebanon for six months and in the United States with Applicant for six months. She has no connection to any foreign government or military. She has been a housewife all her life. When she is in Lebanon, Applicant contacts her weekly by telephone. (Item 3 at 29-31; Item 10 at 2)

SOR 2.c – Applicant's two sisters are citizens and residents of Lebanon. The older sister, 43 years old, is a teacher. Applicant contacts her on a monthly basis by telephone. She has no connection to any foreign government or military. Applicant's last face-to-face contact with her was in 2019. The second oldest sister is 38 years old and is a banker. Applicant has monthly contact with her by telephone. (Item 3 at 29-32)

SOR 2.d – Applicant's mother-in-law is 63 years old and is a citizen of a neighboring middle eastern country and resident of Lebanon. She is a housewife with no connection to any foreign government or military. Applicant's contact with her is quarterly by telephone. (Item 3 at 36-37; Item 10 at 3)

SOR 2.e – Applicant's father-in-law is 75 years old and is a citizen of a neighboring middle eastern country and Lebanon, and a resident of Lebanon. He is a

retired electrician with no ties to any government or military. Applicant's contact occurs on a quarterly basis by telephone. (Item 3 at 35-36; Item 10 at 3)

SOR 2.f – Applicant's best friend is a citizen of Lebanon and a Caribbean country. The friend has no connections with any foreign government or military. The friend owns a textile company. Applicant has weekly contact with this individual by phone and social media. (Item 3 at 35-36; Item 10 at 4)

SOR 2.g – In 2017, Applicant borrowed \$50,000 from his father-in-law. See, SOR 2.e. Applicant has not repaid him. Applicant's mother-in-law also supplied part of the loan. The money was used to purchase Applicant's oil and lube business that failed. They were able provide the money from inheritance and retirement sources.

SOR 2.h – In 2014, Applicant inherited a home located in Lebanon, and still possesses the dwelling. The value of the home is unknown. He planned to repay his father-in-law and mother-in-law with the proceeds of the sale of this home, which has not occurred because property values are low. (Item 5 at 10)

SOR 2.i – Applicant purchased two undeveloped parcels of land in Lebanon. He purchased the first parcel in 2007, and the second in 2013. The 2007 parcel was worth \$5,000 and the 2013 parcel was worth \$25,000. Applicant has not been able to sell the properties because of the instability of the Lebanese government and the low appraisal of the properties. (Item 5 at 11)

SOR 2.j – Applicant used to provide monetary assistance of about \$1,000 a month to his mother in Lebanon. That practice ended when he sponsored her for immigration to the United States in 2014. He surmised that he spent approximately \$140,000 for his parent's medical care before his father passed away in 2006. (Item 5 at 9, 11; Item 10 at 3)

Applicant was questioned during his focused screening questionnaire about his allegiance to the United States. He maintains his allegiance only to the United States. He has never visited websites advocating violence against the United States. He has never encouraged others to violate U.S. laws or regulations. He has no family ties that advocate violence or the use of force to achieve its goals. He would report any threat to himself or his family to the appropriate authorities. (Item 5 at 8-12)

Administrative Notice -Lebanon

Lebanon is a parliamentary republic that received its independence in 1943. The government allocates authority among a Maronite Christian president, a Shia speaker of its parliament, and a Sunni prime minister. Parliamentary elections held in May 2018 were peaceful and generally considered fair and free from regional influence. Neighboring Syria has long influenced Lebanon's foreign policy and internal policies.

Hizballah's political power in Lebanon makes consensus on any anti-Hizballah legislation impossible.

The United States seeks to maintain its traditionally close ties with Lebanon, and to help maintain its territorial integrity. Since 2006, the United States has provided more than \$2 billion in bilateral foreign assistance to Lebanon to support strengthening state institutions and security agencies after years of Syrian dominance; to reinforce vital public services; to preserve the multi-sectarian character of Lebanon; and to counter and retard Hizballah's military presence in retaining its arms in Lebanon. Along with the international community, the United States supports full implementation of United Nations Security Council Resolutions 1559, 1680, and 1701 for the disarming of all militias, delineation of the Lebanese-Syrian border, and the deployment of the Lebanese Armed Forces throughout Lebanon. The United States is Lebanon's primary security partner. U.S.-provided aircraft, munitions, vehicles, and training have increased the capability of the Lebanese Armed Forces to fight violent extremism. U.S. assistance has also strengthened Lebanon's Internal Security Forces in its efforts to prevent criminal and terrorist threats; to secure and safeguard Lebanon's territorial integrity and people; and to extend the rule of law throughout the country.

Lebanon has a free-market economy that is largely service-oriented with growth in the banking and tourism sectors. The United States and Lebanon have signed a Trade and Investment Framework agreement to expand trade relations, and remove obstacles to trade and investment between the two countries. Lebanon and the United States belong to some of the same international organizations, including the United Nations, International Monetary Fund, and World Bank.

Lebanon is the temporary home for many refugees in the world, including over one million from Syria, which further strained Lebanon's already weak infrastructure and ability to deliver social services in 2018. U.S. humanitarian assistance in Lebanon supports the needs of Syrian refugees by providing food, shelter, medical care, clean water, sanitation, and psychosocial support.

In 2017, Lebanon's most significant human rights issues included arbitrary or unlawful killings, including by government forces and non-state perpetrators. There were no reports of government forces committing arbitrary or unlawful killings in 2018. Allegations of torture by security forces; undue and increasing restrictions on freedom of speech and the press, including laws criminalizing libel and forms of political expression; and official corruption were issues in 2017 and 2018. Although the legal system authorizes prosecution and punishment of officials for human rights abuses, enforcement remained a problem in 2017 and 2018, and misconduct by government officials for human rights abuses.

In September 2018, the U.S. State Department issued a Level 3 travel advisory for Lebanon, urging U.S. citizens to reconsider or avoid travel to certain areas of

Lebanon because of threats of terrorism, armed clashes, kidnapping, and outbreaks of violence, particularly near Lebanon's borders with Syria and Israel. U.S. citizens living and working in Lebanon are advised that they accept the risk of remaining in the country. Although Lebanon was a committed ally in the fight to defeat ISIS in 2017 and its ground forces were one of the most effective counterterrorism partners in the region, U.S. citizens have been targeted by terrorist attacks in Lebanon in the past. The threat of anti-Western terrorist activity continues, as does the risk of death or injury as a bystander. Violent extremist groups operate in Lebanon, including the U.S. government-designated terrorist organizations of Hizballah, ISIS, Al-Nusrah Front, Hamas, and the Abdullah Azzam Brigades. Lebanon's 12 Palestinian refugee camps, including the largest Ain el-Helweh, remain outside the jurisdiction of local security forces and pose a security threat due to potential militant recruitment and terrorist infiltration. U.S. citizens are advised to avoid travel to refugee settlements.

Kidnapping, whether for ransom, political motives, or family disputes, is a problem in Lebanon. The U.S. government's ability to help U.S. citizens kidnapped or taken hostage is limited. U.S. citizens who choose to travel to Lebanon in spite of the travel advisory are advised that consular officers from the U.S. Embassy are not always able to travel to assist them. U.S. citizens who also hold Lebanese citizenship are subject to the requirements and responsibilities of Lebanese citizenship under Lebanese law.

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. These guidelines, which are flexible rules of law, are applied together with common sense and the general factors of the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. The protection of the national security is the paramount consideration. AG ¶ 2(d) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . ." The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

Analysis

Financial Considerations

The security concerns of the guideline for financial considerations are set forth in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

An applicant who seeks a security clearance with the Government must demonstrate good judgment and trustworthiness. A gauge of these characteristics can be determined by an evaluation of how he manages his personal affairs. An applicant who has a history of financial irresponsibility in paying his voluntarily incurred debts may also demonstrate irresponsibility in failing to comply with rules and regulations for safeguarding sensitive or classified information.

AG ¶19 describes conditions that could raise a security concerns and may be disqualifying include:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so;
- (c) a history of not meeting financial obligations; and
- (h) borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts.

Applicant's June 2021 answer to the SOR, his December 2019 PSI, his November 2019 e-QIP, and Applicant's his January 2020 focused screening questionnaire, and the three government credit reports, establish the Government's case under the guideline for financial considerations. Applicant has a history of not meeting his financial obligations. AG ¶¶ 19(a), and 19(c) apply. AG ¶ 19(b) does not

apply as Applicant has shown through his credit reports a willingness to satisfy several financial obligations. AG ¶ 19(h) applies to the \$45,000 in gambling losses Applicant sustained between April and August 2019, and his ongoing gambling routine despite the delinquent debts identified in SOR 1.a through 1h.

The pertinent mitigating conditions under AG ¶ 20 include:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

AG ¶ 20(a) does not apply because Applicant still owes more than \$118,000 to seven creditors. The lack of a plan to address the delinquencies continues to raise doubt about Applicant's reliability, trustworthiness, and judgment.

Applicant receives some mitigation for the unanticipated unemployment and underemployment he experienced over the years. However, he receives no mitigation under the second prong of AG ¶ 20(b), because he has taken no action (acting responsibly under the circumstances) on the listed delinquent debts. Nor has he contacted the creditors to advise them why he cannot pay them. He receives no mitigation under AG ¶ 20(d) for the same reasons. Applicant receives no mitigation under AG ¶ 20(c) because he submitted no evidence of financial counseling that educates him on how to manage his finances so he can repay his debts. Gambling is certainly not a responsible method of managing one's finances or repaying significant debt.

Foreign Influence

AG ¶ 6 sets forth the security under Guideline B:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

Conditions under AG ¶ 7 that could raise a security concern and may be disqualifying include:

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology;

(e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and

(f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

Contacts and ties to family members who are citizens of a foreign country do not automatically disqualify an applicant from security clearance access. As set forth under AG ¶ 7(a), the contacts are only disqualifying if they create a heightened risk of foreign exploitation. As set forth in AG ¶ 7(b), connections to family members are only disqualifying if they create a potential conflict of interest between Applicant's security duties and his desire to assist his foreign family members.

Applicant's regular contacts with his two sisters, his parents-in-law and father-in-law, and his best friend, who are citizens and residents of Lebanon, create a

heightened risk of foreign inducement and pressure. These foreign-family connections also create a potential conflict of interest for him. Though Applicant's mother is now a permanent resident of the United States, and lives at Applicant's residence for six months of every year since 2014, she is still a citizen residing in Lebanon during the other six months of the year. While his wife is a permanent resident living with Applicant, she is still a citizen of Lebanon with a Lebanese bank account that she uses when she is in the country. In sum, Applicant's relationships with relatives living in Lebanon, even his mother who lives there part of the year, create a heightened inducement under AG ¶¶ 7(a) and 7(e), combined with a potential conflict of interest under 7(b). In addition, Applicant's ownership of a home in Lebanon with an unknown value, and his two parcels of land valued at \$30,000, trigger an additional heightened risk or personal conflict of interest under AG ¶ 7(f). The security concerns created by Applicant's foreign family members are magnified when evaluated with ongoing terrorist activity in Lebanon. The U.S. State Department has issued repeated warnings of terrorism directed against or affecting U.S. and Western interests.

Conditions under AG ¶ 8 that could mitigate security concerns include:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

AG ¶ 8(a) does not apply to the facts of this case because Applicant's foreign family members could place him in a compromising position of having to choose between the interest of the family members or the United States. Applicant has close ties and contacts with his sisters and his in-laws. Though his family members have no

affiliation with any foreign government, given the risk of terrorist activity and armed conflict in the country, I cannot rule out the possibility that Applicant's family members could be pressured by insurgents or government operatives to a point where Applicant is forced to choose between the interests of his family members and the interests of the United States.

Although Applicant has some ties to the United States through his U.S. citizenship that he received in June 2003, he has no significant assets or longstanding relationships in the United States besides his home that he purchased in 2016. Other than a mortgage and a monthly car payment, there is little or no other evidence regarding Applicant's financial assets, i.e., savings or checking account, retirement account, stock portfolio, or investment fund, in the United States. Based on his frequent contact with his foreign family members and his friend, AG ¶ 8(c) does not apply. Applicant's ongoing ties to his foreign family members and his friend, along with his significant property interests in Lebanon, including two parcels of land valued at \$30,000, a home he inherited in 2014, and a car valued at \$10,000, could result in a conflict that could be used to effectively influence Applicant to act against U.S. interests. Neither AG ¶¶ 8(b) or 8(f) apply. I find for Applicant under SOR 2.j because he stopped providing financial support to his mother when she moved to the United States in 2014.

Whole-Person Concept

I have examined the evidence under the specific guidelines in the context of the nine general factors of the whole-person concept listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for access to classified information must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept.

The DOHA Appeal Board has repeatedly stressed the importance of an applicant presenting evidence that shows a meaningful track record of debt reduction, which includes a plan to fix his debt problem and significant action towards consummation of the plan. See, ISCR Case No. 04-09684 at 2 (App. Bd. Jul 6, 2006) Without a plan and action to implement the plan, Applicant has not met his burden of persuasion under the guideline for financial considerations. The ongoing ties he has in

Lebanon, including his property interests in the country, militate against a favorable finding under the guideline for foreign influence. Having weighed and balanced all the evidence under the specific conditions in light of the record as a whole, Applicant has not mitigated the security concerns arising from the guidelines for financial considerations and foreign influence.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a-1.i:	Against Applicant
Paragraph 2, Guideline B:	AGAINST APPLICANT
Subparagraphs 2.a-2.i:	Against Applicant
Subparagraph 2.j:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the security interests of the United States to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

Paul J. Mason
Administrative Judge